

REPLY to COMMENTS filed
RM-10352
February 7, 2002

To the Commissioners:

The patronizing Reply Comments filed by *Joseph T. Subich* affirm this Commenter's belief that Petitioners are waging a questionable effort to push through a regulatory proposal before they lose their political constituency as interest declines in the use of Morse Code.

Morse Code activity deserves no additional regulatory set-aside. Indeed, the **Federal Communications Commission** is separately deliberating what to do, overall, with the vast, protected and chronically underutilized segments allocated for the exclusive use of this minority non-voice mode. There was discussion that culminated in the recent Restructuring Report and Order that these segments could and may soon be downsized, yet still afforded a smaller segment and shared with emerging technologies.

Meantime, the pursuit of long-distance contacts on Morse Code, as delightful as that pastime may be, does not rise to the level of *essential* purposes for the hobby that would indicate the need for rulemaking. Such activity is level with the priorities and challenges of all other non-emergency operating modes, activities and specialties.

Until the Commission resolves the current problem of existing Morse Code allocations not adequately utilized, it should not attempt to create another code-related overlay of rules that may soon need to be un-done. The Commission should look past the number of repetitive filings by supporting Commenters that have a familiar ring of "we've always done it this way," citing just the regulatory set-asides on other HF bands facing a test of balance against more popular modes and activities.

Subich, in his response to a group filing by Opponents, failed to identify why he felt compelled to challenge the comments sent to the Commission for consideration. Such defensiveness suggests a fear Petitioners and their allies may have provoked a far-broader range of interests than expected. His repeated use of "demonstrably" did not generate credibility for his sharp retorts to technically genuine and philosophically sincere Comments filed by Opponents.

I am exploring whether the Petitioners and/or their representatives initially pushed the ARRL to create their ad hoc panel to develop a revised 160 meter band plan realizing this would be one of the pre-requisites needed to pursue regulatory intervention, their true agenda. They have not waited to measure the results of this panel's work, despite having had "a place at the table" to shape the committee's recommendations.

Other specialties with similar concerns about interference and lack of respect for their operations did not enjoy direct representation in that panel, so the long-distance Morse Code buffs should already consider themselves lucky to have been heard.

Even earlier, there is speculation that several, if not all of the handful of complaints of interference documented by volunteers and timed with Petitioners action were part of a contrived laying-of-groundwork to convince the League there was an alleged "problem," now cited as part of the proceedings before you.

From the first-hand observations this year by others and myself with multi-faceted expertise on 160 meters, I am prepared to testify there has NOT been a significant level of weak-signal interference observed against CW activity. There is no basis to suggest, as done by Petitioners and allies including *Subich, et. al*, that there are, at present, any unreasonable incompatibility issues not also faced by the various other modes and activities found on the shortwave ham bands.

Absent any Agency documentation of an existing, substantial problem for which regulatory relief is justified, I urge the Commission to REJECT this proposal and ENDORSE the new and untested voluntary band plan developed by consensus and in line with the self-policing architecture the FCC has encouraged the hobby to use.

Paul S. Courson
WA3VJB
Licensed 1971
Advanced Class